

84TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES }

REPORT
No. 2366

AUTHORIZING CONVEYANCE OF CERTAIN LANDS TO THE STATE OF VERMONT

JUNE 18, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DURHAM, from the Committee on Armed Services, submitted the
following

REPORT

[To accompany S. 1961]

The Committee on Armed Services, to whom was referred the bill (S. 1961) to provide for the conveyance of part of Ethan Allen Air Force Base, Colchester, Vt., to the State of Vermont, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1961 is to authorize and direct the Secretary of the Air Force to convey to the State of Vermont all the right, title, and interest of the United States in and to certain land comprising a part of the Ethan Allen Air Force Base. The State of Vermont is to utilize the property for the purpose of the training of the National Guard of Vermont and for other military purposes.

DESCRIPTION OF PROPERTY

The property consists of approximately 1 acre contiguous to the southwesterly base boundary, plus a right-of-way 55 feet in width extending from the 1-acre tract for a distance of approximately 2,785 feet in a northwesterly direction along the base boundary adjacent to Feigle Street. The property is currently being used by the National Guard under a license granted by the Air Force on May 12, 1953 and comprises a road right-of-way and entrance to Camp Johnson, a Vermont National Guard installation. One parcel is a traffic circle and the other is a roadway.

NECESSITY FOR LEGISLATION

In the exercise of its constitutional power to regulate the disposal of Federal property, the Congress by general legislation has provided for maximum utilization of federally owned property and has provided generally and specifically for disposal of surplus property. The principal statute on this subject is the Federal Property and Administrative Services Act, Public Law 152, 81st Congress, as amended. Provisions have been made for transfers of surplus Government-owned property, both real and personal, to States, political subdivisions, and tax-supported or nonprofit institutions for health and educational purposes. Section 203 (k) of the Federal Property and Administrative Services Act, as amended, in effect authorizes these transfers without consideration by providing public-benefit allowances of up to 100 percent. Provisions are made for transfers, without compensation to the Government, of surplus realty for historic-monument purposes (50 U. S. C. App. 1622h). States or political subdivisions are given a public-benefit allowance of 50 percent of the fair value with respect to transfers of surplus realty for park and recreational use (Public Law 616, 80th Cong.). Statutory provisions are made for transfer without monetary consideration of surplus, Government-owned airport property to States, or political subdivisions for public airport use (50 U. S. C. 1622).

No general provision of law now in effect authorizes the transfer of surplus Government-owned real property to States for National Guard purposes. Nevertheless, the Congress has by separate law authorized many conveyances of federally owned realty to the various States to be used for National Guard purposes. With rare exceptions, these laws have provided that the transfers pursuant thereto would be subject to reservations of Federal use during national emergencies and were conditioned on automatic reversion in the event of nonuse for National Guard purposes.

RESERVATIONS AND RESTRICTIONS

The reservations and restrictions provide that the property may be recaptured in the event of a national emergency and, in addition, the bill provides that if the property should fail or cease to be used for the training of the National Guard of Vermont or for other military purposes, the title of the property to be conveyed shall revert to and revert in the United States, together with all improvements made thereon during its occupancy by the State of Vermont.

FISCAL DATA

Enactment into law of this measure will not involve an expenditure of any Federal funds. The cost of any surveys necessary as an incidence of the conveyance authorized by S. 1961 shall be borne by the State of Vermont. In addition, in the event of recapture of the property by reason of failure or cessation on the part of the State to use it for National Guard or other military purposes, all improvements made by the State of Vermont shall vest in the United States without compensation.

DEPARTMENTAL DATA

Neither the Department of the Air Force nor the Bureau of the Budget interposes any objection to this measure as is evidenced by the letters dated June 25 and July 30, 1955 from former Secretary of the Air Force Harold E. Talbott and Maj. Joe W. Kelly, respectively, which are set out below and made a part of this report.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, June 25, 1955.

HON. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate:

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 1961, 84th Congress, a bill to provide for the conveyance of part of Ethan Allen Air Force Base, Colchester, Vt., to the State of Vermont, and for other purposes. The Secretary of Defense has delegated to the Department of the Air Force the responsibility for reporting the views of the Department of Defense thereon.

The Department of the Air Force, on behalf of the Department of Defense, interposes no objection to the enactment of this bill. It is suggested, however, that the following be substituted for the language in lines 5, 6, and 7 of page 3 of the bill relating to the use of the property by the United States during a national emergency: “; the right of reentry and use by the United States in the event of need therefor during a national emergency declared by the President or the Congress;”.

The purpose of the proposed legislation is to convey to the State of Vermont all right, title, and interest of the United States in and to certain land comprising a part of Ethan Allen Air Force Base for the training of the National Guard of Vermont, and for other military purposes. The conveyance is to be without monetary consideration, but on condition that it shall be used for the purposes stated and subject to the reservation of mineral rights and the right of reentry and use during a national emergency.

The property under consideration consists of a hexagonal tract of approximately 1 acre contiguous to the southwesterly base boundary, plus a right-of-way 55 feet wide extending from the 1-acre tract a distance of approximately 2,785 feet northwesterly along the base boundary (Feigle Street). This right-of-way, which provides access to Camp Johnson, is currently being used by the National Guard under a license from the Air Force granted May 12, 1953.

Ethan Allen Air Force Base, consisting of 1,203 acres, was acquired from the Department of the Army by transfer, approved March 12, 1952; 959 acres of the property were acquired by the Army prior to 1940. The remainder was acquired during 1942 and 1944. While under Army jurisdiction the installation was designated “Fort Ethan Allen.”

Enactment of this proposed legislation will not involve the expenditure of any Department of Defense funds.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

In view of the urgency for receipt of a report on this bill by your committee, Bureau of the Budget clearance has not been obtained. When Bureau of the Budget clearance has been effected, you will be so notified.

Sincerely yours,

HAROLD E. TALBOTT.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, July 30, 1955.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate.

DEAR MR. CHAIRMAN: On June 25, 1955, the Department of the Air Force on behalf of the Department of Defense submitted to you the views of the Department of Defense with respect to S. 1961, a bill to provide for the conveyance of part of Ethan Allen Air Force Base, Colchester, Vt., to the State of Vermont, and for other purposes, without clearance from the Bureau of the Budget.

This is to inform you that on July 29, 1955, the Bureau of the Budget advised that no objection was interposed to the report on subject bill previously submitted.

Sincerely,

JOE W. KELLY,
Major General, USAF,
Director, Legislative Liaison.